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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,519	12/29/2000	Min Zhu	M-8862 US	8828

7590

05/12/2004

Philip W. Woo
c/o SIDLEY AUSTIN BROWN & WOOD LLP
555 CALIFORNIA STREET
SUITE 5000
SAN FRANCISCO, CA 94104-1715

EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 05/12/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/751,519

Applicant(s)

ZHU ET AL.

Examiner

Michael C Maskulinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Final Office Action

Objections to the Amendments

1. The Applicant is reminded that there are specific guidelines for the format of the amendments. For claims 1, 9, and 13, the Applicant has identified the claims as being "(amended)", however, the proper format is to designate the claims as being "(currently amended)". Failure to adhere to the guidelines in the future will result in the amendments not being entered and a delay in the prosecution of the application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 9, and 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, and 13 of copending Application No. 09/752,376 in view of Hassett et al., U.S. Patent 6,173,311 B1, and further in view of Adrangi et al., U.S. Patent 6,687,846 B1.

Referring to claim 1, in claim 1, copending Application No. 09/752,376 discloses a method of distributed collaborative computing comprising: partitioning a collaboration

function into sub-functions; assigning at least one said sub-function to each of a plurality of logical processes; associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes; and monitoring said respective management processes with a single supervisor process.

However, copending Application No. 09/752,376 does not explicitly disclose providing a collaboration function for supporting a conference wherein a plurality of participants collaborate with each other using respective computers connected over a global area network. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of copending Application No. 09/752,376. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of copending Application No. 09/752,376 supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30).

Further, copending Application No. 09/752,376 does not explicitly disclose that said monitoring further comprises re-creating one or more said logical processes in

response to detecting a failure of one or more said logical processes. However, Hassett et al. teach all of the limitations taught by claim 1 of copending Application No. 09/752,376 and the additional limitation that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes in column 16, lines 47-49. It would have been obvious to one of ordinary skill at the time of the invention to include the limitation of Hassett et al. into the system of copending Application No. 09/752,376. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system fault tolerant.

Referring to claim 9, in claim 9, copending Application No. 09/752,376 discloses a computer-readable medium storing a computer program executable by a plurality of server computers, the computer program comprising computer instructions for: partitioning a collaboration function into sub-functions; assigning at least one said sub-function to each of a plurality of logical processes; associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes; and monitoring said respective management processes with a single supervisor process.

However, copending Application No. 09/752,376 does not explicitly disclose providing a collaboration function for supporting a conference wherein a plurality of

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participants collaborate with each other using respective computers connected over a global area network. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of copending Application No. 09/752,376. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of copending Application No. 09/752,376 supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30).

Further, copending Application No. 09/752,376 does not explicitly disclose that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes. However, Hassett et al. teach all of the limitations taught by claim 9 of copending Application No. 09/752,376 and the additional limitation that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes in column 16, lines 47-49. It would have been obvious to one of ordinary skill at the time of the invention to include the limitation of Hassett et al. into the system of copending Application No. 09/752,376. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system fault tolerant.

Referring to claim 13, in claim 13, copending Application No. 09/752,376 discloses a computer data signal embodied in a carrier wave, comprising computer instructions for: partitioning a collaboration function into sub-functions; assigning at least one said sub-function to each of a plurality of logical processes; associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes; and monitoring said respective management processes with a single supervisor process.

However, copending Application No. 09/752,376 does not explicitly disclose providing a collaboration function for supporting a conference wherein a plurality of participants collaborate with each other using respective computers connected over a global area network. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of copending Application No. 09/752,376. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of copending Application No. 09/752,376 supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth

applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30).

Further, copending Application No. 09/752,376 does not explicitly disclose that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes. However, Hassett et al. teach all of the limitations taught by claim 13 of copending Application No. 09/752,376 and the additional limitation that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes in column 16, lines 47-49. It would have been obvious to one of ordinary skill at the time of the invention to include the limitation of Hassett et al. into the system of copending Application No. 09/752,376. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system fault tolerant.

This is a provisional obviousness-type double patenting rejection.

4. Claims 1, 9, and 13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, and 10 of U.S. Patent No. 6,567,813 B1 in view of Hassett et al., U.S. Patent 6,173,311 B1, and further in view of Adrangi et al., U.S. Patent 6,687,846 B1.

Referring to claim 1, in claim 1, U.S. Patent No. 6,567,813 B1 discloses a method of distributed collaborative computing comprising: partitioning a collaboration function into sub-functions; assigning at least one said sub-function to each of a plurality of logical processes; associating a respective management process with each of said

plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes; and monitoring said respective management processes with a single supervisor process.

However, U.S. Patent No. 6,567,813 B1 does not explicitly disclose providing a collaboration function for supporting a conference wherein a plurality of participants collaborate with each other using respective computers connected over a global area network. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of U.S. Patent No. 6,567,813 B1. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of U.S. Patent No. 6,567,813 B1 supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30).

Further, U.S. Patent No. 6,567,813 B1 does not explicitly disclose that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes. However, Hassett et al. teach all of the limitations taught by claim 1 of U.S. Patent No. 6,567,813 B1 and the additional limitation that said monitoring further comprises re-creating one or more said

logical processes in response to detecting a failure of one or more said logical processes in column 16, lines 47-49. It would have been obvious to one of ordinary skill at the time of the invention to include the limitation of Hassett et al. into the system of U.S. Patent No. 6,567,813 B1. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system fault tolerant.

Referring to claim 9, in claim 7, U.S. Patent No. 6,567,813 B1 discloses a computer-readable medium storing a computer program executable by a plurality of server computers, the computer program comprising computer instructions for: partitioning a collaboration function into sub-functions; assigning at least one said sub-function to each of a plurality of logical processes; associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes; and monitoring said respective management processes with a single supervisor process.

However, U.S. Patent No. 6,567,813 B1 does not explicitly disclose providing a collaboration function for supporting a conference wherein a plurality of participants collaborate with each other using respective computers connected over a global area network. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of U.S. Patent No.

6,567,813 B1. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of U.S. Patent No. 6,567,813 B1 supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30).

Further, U.S. Patent No. 6,567,813 B1 does not explicitly disclose that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes. However, Hassett et al. teach all of the limitations taught by claim 7 of U.S. Patent No. 6,567,813 B1 and the additional limitation that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes in column 16, lines 47-49. It would have been obvious to one of ordinary skill at the time of the invention to include the limitation of Hassett et al. into the system of U.S. Patent No. 6,567,813 B1. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system fault tolerant.

Referring to claim 13, in claim 10, U.S. Patent No. 6,567,813 B1 discloses a computer data signal embodied in a carrier wave, comprising computer instructions for: partitioning a collaboration function into sub-functions; assigning at least one said sub-function to each of a plurality of logical processes; associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating

with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes; and monitoring said respective management processes with a single supervisor process.

However, U.S. Patent No. 6,567,813 B1 does not explicitly disclose providing a collaboration function for supporting a conference wherein a plurality of participants collaborate with each other using respective computers connected over a global area network. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of U.S. Patent No. 6,567,813 B1. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of U.S. Patent No. 6,567,813 B1 supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30).

Further, U.S. Patent No. 6,567,813 B1 does not explicitly disclose that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes. However, Hassett et al. teach all of the limitations taught by claim 10 of U.S. Patent No. 6,567,813 B1 and the additional limitation that said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical

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processes in column 16, lines 47-49. It would have been obvious to one of ordinary skill at the time of the invention to include the limitation of Hassett et al. into the system of U.S. Patent No. 6,567,813 B1. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system fault tolerant.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett et al., U.S. Patent 6,173,311 B1, and further in view of Adrangi et al., U.S. Patent 6,687,846 B1.

Referring to claim 1:

a. In the Abstract, Hassett et al. disclose load balancing servers to provide efficient servicing of clients (providing a collaboration function wherein a plurality of participants collaborate with each other using respective computers). Further, in Figure 12, Hassett et al. disclose a global-area network. However, Hassett et al. don't explicitly disclose supporting a conference. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video

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conferencing system of Adrangi et al. into the system of Hassett et al. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of Hassett et al. supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30) and the system of Hassett et al. provides fault tolerance.

b. Partitioning a collaboration function into sub-functions and assigning at least one said sub-function to each of a plurality of logical processes is inherent load balancing as taught by Hassett et al.

c. In column 13, lines 13-19, Hassett et al. disclose a Request Processing Module that is composed of Routers and Servers running Microsoft Windows NT operation system. Routers provide the load-balancing functionality by redirecting PCN Clients to available Servers. Servers process client requests and transmit requested contents back to clients (associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes).

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d. In column 15, lines 56-59, Hassett et al. disclose a database manager that tracks the status of all the databases currently being accessed and uses this information to trigger failovers and failbacks appropriately (monitoring said respective management process with a single supervisor process).

e. In column 16, lines 47-49, Hassett et al. disclose When a data server fails, Database Manger creates worker threads and re-establishes all the connection in the pools to the backup Data Server (wherein said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes).

Referring to claims 2, 10, and 14, in column 15, lines 56-59, Hassett et al. disclose that the database manager maintains an in-memory structure to track status of all the databases currently being accessed by the various modules on the server. It uses this information to trigger failovers and failbacks appropriately (monitoring a message stream to determine a responsiveness of said logical process and if said responsiveness ceases, signaling said failure to said single supervisor process).

Referring to claims 3, 11, and 15:

a. In column 16, lines 47-49, Hassett et al. disclose that when a data server fails, Database Manager creates worker threads and re-establishes all the connection in the pools to the backup Data Server (spawning a new logical process and assigning to said new logical process said at least one sub-function corresponding to said failed logical process; and recovering the state of said

failed logical process into said new logical process and associating a new management process with said new logical process).

Referring to claims 4, 12, and 16:

a. In column 16, lines 13-19, Hassett et al. disclose a Database Manager that triggers failover for all the connection pools currently under its management (activating a stand-by logical process, had stand-by process having been instantiated prior to said detecting).

b. In column 16, lines 47-49, Hassett et al. disclose that when a data server fails, Database Manager creates worker threads and re-establishes all the connection in the pools to the backup Data Server (assigning to said stand-by logical process said at least one sub-function corresponding to said failed logical process and recovering the state of said failed logical process into said new logical process; and associating a new management process with said stand-by logical process and spawning a new stand-by logical process).

Referring to claim 9:

a. In column 22, lines 30-35, Hassett et al. disclose a program storage device storing instructions that when executed performs a method for providing transparent failover from a first server to a second server for active invocations to an object.

b. In the Abstract, Hassett et al. disclose load balancing servers to provide efficient servicing of clients (providing a collaboration function wherein a plurality of participants collaborate with each other using respective computers). Further,

in Figure 12, Hassett et al. disclose a global-area network. However, Hassett et al. don't explicitly disclose supporting a conference. In column 5, lines 27-40, Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of Hassett et al. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of Hassett et al. supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30) and the system of Hassett et al. provides fault tolerance.

c. Partitioning a collaboration function into sub-functions and assigning at least one said sub-function to each of a plurality of logical processes is inherent load balancing as taught by Hassett et al.

d. In column 13, lines 13-19, Hassett et al. disclose a Request Processing Module that is composed of Routers and Servers running Microsoft Windows NT operation system. Routers provide the load-balancing functionality by redirecting PCN Clients to available Servers. Servers process client requests and transmit requested contents back to clients (associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with

every other said logical process thru said respective management process; communicating between said logical processes using said respective management processes).

e. In column 15, lines 56-59, Hassett et al. disclose a database manager that tracks the status of all the databases currently being accessed and uses this information to trigger failovers and failbacks appropriately (monitoring said respective management process with a single supervisor process).

f. In column 16, lines 47-49, Hassett et al. disclose When a data server fails, Database Manger creates worker threads and re-establishes all the connection in the pools to the backup Data Server (wherein said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes).

Referring to claim 13:

a. In column 22, lines 30-35, Hassett et al. disclose a computer instruction signal embodied in a carrier wave carrying instructions that when executed by a computer, perform a method for providing transparent failover from a first server to a second server for active invocations to an object.

b. In the Abstract, Hassett et al. disclose load balancing servers to provide efficient servicing of clients (providing a collaboration function wherein a plurality of participants collaborate with each other using respective computers). Further, in Figure 12, Hassett et al. disclose a global-area network. However, Hassett et al. don't explicitly disclose supporting a conference. In column 5, lines 27-40,

Adrangi et al. disclose a video conferencing system. It would have been obvious to one of ordinary skill at the time of the invention to include the video conferencing system of Adrangi et al. into the system of Hassett et al. A person of ordinary skill in the art would have been motivated to make the modification because video conferencing amongst many computers is well known in the art. Further, the system of Hassett et al. supports video conferencing since a single server will typically not be adequate for providing application services, particularly with respect to high-bandwidth applications such as live or on-demand streaming of multi-media content (see Adrangi et al.: column 14, lines 27-30) and the system of Hassett et al. provides fault tolerance.

c. Partitioning a collaboration function into sub-functions and assigning at least one said sub-function to each of a plurality of logical processes is inherent load balancing as taught by Hassett et al.

d. In column 13, lines 13-19, Hassett et al. disclose a Request Processing Module that is composed of Routers and Servers running Microsoft Windows NT operation system. Routers provide the load-balancing functionality by redirecting PCN Clients to available Servers. Servers process client requests and transmit requested contents back to clients (associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process thru said respective management process;

communicating between said logical processes using said respective management processes).

e. In column 15, lines 56-59, Hassett et al. disclose a database manager that tracks the status of all the databases currently being accessed and uses this information to trigger failovers and failbacks appropriately (monitoring said respective management process with a single supervisor process).

f. In column 16, lines 47-49, Hassett et al. disclose When a data server fails, Database Manger creates worker threads and re-establishes all the connection in the pools to the backup Data Server (wherein said monitoring further comprises re-creating one or more said logical processes in response to detecting a failure of one or more said logical processes).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 9, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,058,490 Allen et al.

U.S. Patent 5,557,798 Skeen et al.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100